

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

---

TROOPER 1,

*Plaintiff,*  
-against-  
**ANSWER TO  
AMENDED  
COMPLAINT**

NEW YORK STATE POLICE, ANDREW CUOMO,  
MELISSA DEROSA AND RICHARD AZZOPARDI,

22-cv-00893

LDH-TAM

*Defendants.*

---

Defendant, NYS Division of State Police (sued herein as “New York State Police” and referred to hereinafter as “defendant” or the “answering defendant”), by and through its attorneys, Harris Beach PLLC, for its Answer to plaintiff’s Amended Complaint (the “Complaint”) herein, states as follows:

1. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “1” of the Complaint and, therefore, neither admits nor denies those allegations.
2. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “2” of the Complaint and, therefore, neither admits nor denies those allegations.
3. With respect to the allegations contained in paragraph “3” of the Complaint, defendant admits that plaintiff is employed by the NYS Division of State Police as an Investigator assigned to the Protective Service Unit (“PSU”), admits that the members of the PSU are charged, in part, with protecting the Governor of the State of New York, denies that defendant changed the service requirements for the PSU solely for plaintiff, denies that the

Governor arranged for a change in the service requirements for the PSU, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

4. With respect to the allegations contained in paragraph “4” of the Complaint, defendant admits, upon information and belief, that an investigation into claims of sexual harassment made against the Governor was conducted by Anne L. Clark, Yannick Grant, Joon H. Kim, Jennifer Kennedy Park, Abena Mainoo, and Rahul Mukhi, refers to the report referenced therein for its complete content, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

5. With respect to the allegations contained in paragraph “5” of the Complaint, defendant admits, upon information and belief, that an investigation into claims of sexual harassment made against the Governor was conducted by the Judiciary Committee of the New York State Assembly, refers to the document referenced therein for its complete content, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

6. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “6” of the Complaint and, therefore, neither admits nor denies those allegations.

7. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “7” of the Complaint and, therefore, neither admits nor denies those allegations.

8. With respect to the allegations contained in paragraph “8” of the Complaint, defendant refers to the statutes, rules, amendments, and legal authorities cited therein for their true and correct content, admits only that plaintiff purports to bring an action pursuant to the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, 42 U.S.C. §1983, the New York State Human Rights Law, and the New York City Human Rights Law, and otherwise denies the remaining allegations contained in this paragraph of the Complaint.

9. With respect to the allegations contained in paragraph “9” of the Complaint, defendant refers to the statutes, rules, amendments, and legal authorities cited therein for their true and correct content, admits only that plaintiff purports to assert the statutory and jurisdictional basis for the Complaint pursuant to the statutes cited therein, and otherwise denies the remaining allegations contained in this paragraph of the Complaint.

10. With respect to the allegations contained in paragraph “10” of the Complaint, defendant refers to the statutes, rules, amendments, and legal authorities cited therein for their true and correct content, admits only that plaintiff purports to assert the proper venue for the action pursuant to the statutes cited therein, and otherwise denies the remaining allegations contained in this paragraph of the Complaint.

11. Defendant admits the allegations contained in paragraph “11” of the Complaint.

12. Defendant admits the allegations contained in paragraph “12” of the Complaint.

13. With respect to the allegations contained in paragraph “13” of the Complaint,

defendant admits that Andrew Cuomo served as Governor of the State of New York from January of 2011 until his resignation in August of 2021 and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

14. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “14” of the Complaint and, therefore, neither admits nor denies those allegations.

15. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “15” of the Complaint and, therefore, neither admits nor denies those allegations

16. With respect to the allegations contained in paragraph “16” of the Complaint, defendant admits that plaintiff filed a charge with the Equal Employment Opportunity Commission, refers to that document for its complete contents only, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits not denies those allegations.

17. With respect to the allegations contained in paragraph “17” of the Complaint, defendant refers to the statutes, rules, amendments, and legal authorities cited therein for their true and correct content and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

18. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “18” of the Complaint and, therefore, neither admits nor

denies those allegations.

19. With respect to the allegations contained in paragraph “19” of the Complaint, defendant admits that it is a law enforcement organization with a mission to serve, protect and defend the people of New York while preserving the rights and dignity of all, admits that it performs a wide range of law enforcement tasks from traditional patrol duties to highly specialized investigations, denies that all of its members are also known as troopers, and otherwise denies the remaining allegations contained in this paragraph of the Complaint.

20. Defendant admits the allegations contained in paragraph “20” of the Complaint.

21. With respect to the allegations contained in paragraph “21” of the Complaint, defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations pertaining to the alleged conversation between plaintiff and the Governor on or around November 4, 2017 and, therefore neither admits nor denies those allegations, and otherwise admits, upon information and belief, the remaining allegations contained in this paragraph of the Complaint.

22. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “22” of the Complaint and, therefore, neither admits nor denies those allegations.

23. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “23” of the Complaint and, therefore, neither admits nor denies those allegations.

24. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “24” of the Complaint and, therefore, neither admits nor denies those allegations.

25. With respect to the allegations contained in paragraph “25” of the Complaint, defendant admits, upon information and belief, that plaintiff communicated with a Senior Investigator assigned to the PSU during November of 2017, refers to any written communication referenced therein for their complete content only, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

26. With respect to the allegations contained in paragraph “26” of the Complaint, defendant admits that plaintiff did not complete three years of service until March of 2018, admits, upon information and belief, that plaintiff communicated with a Senior Investigator assigned to the PSU during November of 2017 about plaintiff potentially joining the PSU, refers to any written communication referenced therein for their complete content only, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

27. With respect to the allegations contained in paragraph “27” of the Complaint, defendant refers to the written communication referenced therein for its complete contents only and otherwise lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

28. With respect to the allegations contained in paragraph “28” of the Complaint, defendant refers to the written communication referenced therein for its complete contents only and otherwise lacks information sufficient to form a belief as to the truth or falsity of the

allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

29. Defendant admits the allegations contained in paragraph “29” of the Complaint.

30. Defendant denies the allegations contained in paragraph “30” of the Complaint.

31. With respect to the allegations contained in paragraph “31” of the Complaint, defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations pertaining to plaintiff’s feelings surrounding her assignment to the PSU and, therefore, neither admits nor denies those allegations, and otherwise admits the remaining allegations contained in this paragraph of the Complaint.

32. Defendant admits the allegations contained in paragraph “32” of the Complaint.

33. With respect to the allegations contained in paragraph “33” of the Complaint, defendant admits that members of the PSU are generally directed not to speak to the Governor unless communication is initiated by Governor and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

34. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “34” of the Complaint and, therefore, neither admits nor denies those allegations.

35. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “35” of the Complaint and, therefore, neither admits nor denies those allegations.

36. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “36” of the Complaint and, therefore, neither admits nor denies those allegations.

37. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “37” of the Complaint and, therefore, neither admits nor denies those allegations.

38. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “38” of the Complaint and, therefore, neither admits nor denies those allegations.

39. With respect to the allegations contained in paragraph “39” of the Complaint, defendant admits that, as a part of her job duties, plaintiff escorted the Governor from his Mount Kisco residence to his New York City Office, was responsible for accompanying him on the elevator to his office, and was required to stand between the Governor and the elevator doors while facing the elevator doors, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

40. With respect to the allegations contained in paragraph “40” of the Complaint, defendant admits that plaintiff was assigned to the Governor’s travel team in April of 2019 and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

41. With respect to the allegations contained in paragraph “41” of the Complaint, defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations

pertaining to the prestige of an assignment to the travel team and, therefore, neither admits nor denies those allegations, admits that PSU members that traveled with the Governor sometimes performed duties that differed from the duties performed by PSU members that did not travel with the Governor, admits that PSU members that traveled with the Governor sometimes were provided with the opportunity to work overtime hours that were not provided to PSU members that did not travel with the Governor, and otherwise denies the remaining allegations contained in this paragraph of the Complaint.

42. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “42” of the Complaint and, therefore, neither admits nor denies those allegations.

43. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “43” of the Complaint and, therefore, neither admits nor denies those allegations.

44. With respect to the allegations contained in paragraph “44” of the Complaint, defendant denies that reporting the conduct referenced therein would have jeopardized plaintiff’s employment and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

45. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “45” of the Complaint and, therefore, neither admits nor denies those allegations.

46. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “46” of the Complaint and, therefore, neither admits nor denies those allegations.

47. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “47” of the Complaint and, therefore, neither admits nor denies those allegations.

48. With respect to the allegations contained in paragraph “48” of the Complaint, defendant admits, upon information and belief, that plaintiff was in a car with the PSU detail commander and the Governor in or around August of 2019 and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

49. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “49” of the Complaint and, therefore, neither admits nor denies those allegations.

50. With respect to the allegations contained in paragraph “50” of the Complaint, defendant denies that plaintiff would have been subject to any form of discipline for reporting an alleged incident of sexual harassment or for engaging in any other form of protected activity and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

51. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “51” of the Complaint and, therefore, neither admits nor denies those allegations.

52. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “52” of the Complaint and, therefore, neither admits nor denies those allegations.

53. With respect to the allegations contained paragraph “53” of the Complaint, defendant admits, upon information and belief, that plaintiff accompanied the Governor to an event at Belmont racetrack on or around September 23, 2019 and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

54. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “54” of the Complaint and, therefore, neither admits nor denies those allegations.

55. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “55” of the Complaint and, therefore, neither admits nor denies those allegations.

56. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “56” of the Complaint and, therefore, neither admits nor denies those allegations.

57. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “57” of the Complaint and, therefore, neither admits nor denies those allegations.

58. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “58” of the Complaint and, therefore, neither admits nor denies those allegations.

59. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “59” of the Complaint and, therefore, neither admits nor denies those allegations.

60. With respect to the allegations contained in paragraph “60” of the Complaint, defendant admits that plaintiff was promoted to Investigator on or around December 26, 2019, denies that it was based solely on her performance with the PSU, and otherwise denies the remaining allegations contained in this paragraph of the Complaint.

61. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “61” of the Complaint and, therefore, neither admits nor denies those allegations.

62. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “62” of the Complaint and, therefore, neither admits nor denies those allegations.

63. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “63” of the Complaint and, therefore, neither admits nor denies those allegations.

64. With respect to the allegations contained in paragraph “64” of the Complaint, defendant admits that it received a press inquiry regarding plaintiff’s assignment to the PSU from The Times Union, refers to the written communications referenced therein for their complete contents only, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

65. With respect to the allegations contained in paragraph “65” of the Complaint, defendant denies that it took any action or made any effort to conceal the alleged conduct of the Governor, refers to the statement referenced therein for its complete and correct content, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

66. With respect to the allegations contained in paragraph “66” of the Complaint, defendant denies that it took any action or made any effort to conceal the alleged conduct of the Governor and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

67. With respect to the allegations contained in paragraph “67” of the Complaint, defendant denies that it took any action or made any effort to conceal the alleged conduct of the Governor or to clear the way for such alleged conduct to continue and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

68. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “68” of the Complaint and, therefore, neither admits nor denies those allegations.

69. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “69” of the Complaint and, therefore, neither admits nor denies those allegations.

70. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “70” of the Complaint and, therefore, neither admits nor denies those allegations.

71. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “71” of the Complaint and, therefore, neither admits nor denies those allegations.

72. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “72” of the Complaint and, therefore, neither admits nor denies those allegations.

73. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “73” of the Complaint and, therefore, neither admits nor denies those allegations.

74. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “74” of the Complaint and, therefore, neither admits nor denies those allegations.

75. With respect to the allegations contained in paragraph “75” of the Complaint, defendant denies, based on the allegations contained in the Complaint, that plaintiff was a “victim” and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

76. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “76” of the Complaint and, therefore, neither admits nor denies those allegations.

77. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “77” of the Complaint and, therefore, neither admits nor denies those allegations.

78. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “78” of the Complaint and, therefore, neither admits nor denies those allegations.

79. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “79” of the Complaint and, therefore, neither admits nor denies those allegations.

80. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “80” of the Complaint and, therefore, neither admits nor denies those allegations.

81. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “81” of the Complaint and, therefore, neither admits nor denies those allegations.

82. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “82” of the Complaint and, therefore, neither admits nor denies those allegations.

83. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “83” of the Complaint and, therefore, neither admits nor denies those allegations.

84. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “84” of the Complaint and, therefore, neither admits nor denies those allegations.

85. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “85” of the Complaint and, therefore, neither admits nor denies those allegations.

86. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “86” of the Complaint and, therefore, neither admits nor denies those allegations.

87. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “87” of the Complaint and, therefore, neither admits nor denies those allegations.

88. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “88” of the Complaint and, therefore, neither admits nor denies those allegations.

89. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “89” of the Complaint and, therefore, neither admits nor denies those allegations.

90. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “90” of the Complaint and, therefore, neither admits nor denies those allegations.

91. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “91” of the Complaint and, therefore, neither admits nor denies those allegations.

92. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “92” of the Complaint and, therefore, neither admits nor denies those allegations.

93. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “93” of the Complaint and, therefore, neither admits nor denies those allegations.

94. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “94” of the Complaint and, therefore, neither admits nor denies those allegations.

95. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “95” of the Complaint and, therefore, neither admits nor denies those allegations.

96. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “96” of the Complaint and, therefore, neither admits nor denies those allegations.

97. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “97” of the Complaint and, therefore, neither admits nor denies those allegations.

98. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “98” of the Complaint and, therefore, neither admits nor denies those allegations.

99. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “99” of the Complaint and, therefore, neither admits nor denies those allegations.

100. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “100” of the Complaint and, therefore, neither admits nor denies those allegations.

101. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “101” of the Complaint and, therefore, neither admits nor denies those allegations.

102. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “102” of the Complaint and, therefore, neither admits nor denies those allegations.

103. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “103” of the Complaint and, therefore, neither admits nor denies those allegations.

104. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “104” of the Complaint and, therefore, neither admits nor denies those allegations.

105. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “105” of the Complaint and, therefore, neither admits nor denies those allegations.

106. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “106” of the Complaint and, therefore, neither admits nor denies those allegations.

107. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “107” of the Complaint and, therefore, neither admits nor denies those allegations.

108. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “108” of the Complaint and, therefore, neither admits nor denies those allegations.

109. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “109” of the Complaint and, therefore, neither admits nor denies those allegations.

110. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “110” of the Complaint and, therefore, neither admits nor denies those allegations.

111. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “111” of the Complaint and, therefore, neither admits nor denies those allegations.

112. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “112” of the Complaint and, therefore, neither admits nor denies those allegations.

113. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “113” of the Complaint and, therefore, neither admits nor denies those allegations.

114. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “114” of the Complaint and, therefore, neither admits nor denies those allegations.

115. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “115” of the Complaint and, therefore, neither admits nor denies those allegations.

116. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “116” of the Complaint and, therefore, neither admits nor denies those allegations.

117. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “117” of the Complaint and, therefore, neither admits nor denies those allegations.

118. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “118” of the Complaint and, therefore, neither admits nor denies those allegations.

119. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “119” of the Complaint and, therefore, neither admits nor denies those allegations.

120. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “120” of the Complaint and, therefore, neither admits nor denies those allegations.

121. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “121” of the Complaint and, therefore, neither admits nor denies those allegations.

122. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “122” of the Complaint and, therefore, neither admits nor denies those allegations.

123. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “123” of the Complaint and, therefore, neither admits nor denies those allegations.

124. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “124” of the Complaint and, therefore, neither admits nor denies those allegations.

125. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “125” of the Complaint and, therefore, neither admits nor denies those allegations.

126. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “126” of the Complaint and, therefore, neither admits nor denies those allegations.

127. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “127” of the Complaint and, therefore, neither admits nor denies those allegations.

128. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “128” of the Complaint and, therefore, neither admits nor denies those allegations.

129. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “129” of the Complaint and, therefore, neither admits nor denies those allegations.

130. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “130” of the Complaint and, therefore, neither admits nor denies those allegations.

131. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “131” of the Complaint and, therefore, neither admits nor denies those allegations.

132. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “132” of the Complaint and, therefore, neither admits nor denies those allegations.

133. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “133” of the Complaint and, therefore, neither admits nor denies those allegations.

134. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “134” of the Complaint and, therefore, neither admits nor denies those allegations.

135. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “135” of the Complaint and, therefore, neither admits nor denies those allegations.

136. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “136” of the Complaint and, therefore, neither admits nor denies those allegations.

137. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “137” of the Complaint and, therefore, neither admits nor denies those allegations.

138. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “138” of the Complaint and, therefore, neither admits nor denies those allegations.

139. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “139” of the Complaint and, therefore, neither admits nor denies those allegations.

140. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “140” of the Complaint and, therefore, neither admits nor denies those allegations.

141. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “141” of the Complaint and, therefore, neither admits nor denies those allegations.

142. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “142” of the Complaint and, therefore, neither admits nor denies those allegations.

143. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “143” of the Complaint and, therefore, neither admits nor denies those allegations.

144. With respect to the allegations contained in paragraph “144” of the Complaint, defendant denies that plaintiff would have been subjected to any form of retaliation for rejecting the Governor’s alleged advances or for complaining about the Governor’s alleged conduct and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

145. With respect to the allegations contained in paragraph “145” of the Complaint, defendant denies that plaintiff’s fears of retaliation were justified and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

146. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “146” of the Complaint and, therefore, neither admits nor denies those allegations.

147. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “147” of the Complaint and, therefore, neither admits nor denies those allegations.

148. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “148” of the Complaint and, therefore, neither admits nor denies those allegations.

149. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “149” of the Complaint and, therefore, neither admits nor denies those allegations.

150. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “150” of the Complaint and, therefore, neither admits nor denies those allegations.

151. Defendant denies the allegations contained in paragraph “151” of the Complaint.

152. With respect to the allegations contained in paragraph “152” of the Complaint, defendant admits, upon information and belief, that plaintiff provided sworn testimony as part of an independent investigation into claims against the Governor under New York Executive Law §63(8), refers to that testimony for its complete content only, and otherwise denies the remaining allegations contained in this paragraph of the Complaint.

153. With respect to the allegations contained in paragraph “153” of the Complaint, Defendant refers to the document referenced therein for its complete content and otherwise denies the remaining allegations contained in this paragraph of the Complaint.

154. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “154” of the Complaint and, therefore, neither admits nor denies those allegations.

155. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “155” of the Complaint and, therefore, neither admits nor denies those allegations.

156. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “156” of the Complaint and, therefore, neither admits nor denies those allegations.

157. With respect to the allegations contained in paragraph “157” of the Complaint, defendant denies that it enabled the alleged conduct of the Governor and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

158. With respect to the allegations contained in paragraph “158” of the Complaint, defendant denies that it enabled the alleged conduct of the Governor, denies that it ever took any actions or made any effort to dissuade plaintiff from seeking to exercise any of her legal rights, and otherwise lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

159. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “159” of the Complaint and, therefore, neither admits nor denies those allegations.

160. With respect to the allegations contained in paragraph “160” of the Complaint, defendant refers to and realleges its responses to paragraphs “1” through “159” of the Complaint and incorporates the same as if more fully set forth herein.

161. With respect to the allegations contained in paragraph “161” of the Complaint, defendant asserts that they call for a legal conclusion for which no answer is required and otherwise lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

162. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “162” of the Complaint and, therefore, neither admits nor denies those allegations.

163. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “163” of the Complaint and, therefore, neither admits nor denies those allegations.

164. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “164” of the Complaint and, therefore, neither admits nor denies those allegations.

165. With respect to the allegations contained in paragraph “165” of the Complaint, defendant refers to and realleges its responses to paragraphs “1” through “164” of the Complaint and incorporates the same as if more fully set forth herein.

166. With respect to the allegations contained in paragraph “166” of the Complaint, defendant asserts that they call for a legal conclusion for which no answer is required and otherwise lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

167. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “167” of the Complaint and, therefore, neither admits nor denies those allegations.

168. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “168” of the Complaint and, therefore, neither admits nor denies those allegations.

169. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “169” of the Complaint and, therefore, neither admits nor denies those allegations.

170. With respect to the allegations contained in paragraph “170” of the Complaint, defendant refers to and realleges its responses to paragraphs “1” through “169” of the Complaint and incorporates the same as if more fully set forth herein.

171. Defendant denies the allegations contained in paragraph “171” of the Complaint.

172. Defendant denies the allegations contained in paragraph “172” of the Complaint.

173. Defendant denies the allegations contained in paragraph “173” of the Complaint.

174. Defendant denies the allegations contained in paragraph “174” of the Complaint.

175. With respect to the allegations contained in paragraph “175” of the Complaint, defendant refers to and realleges its responses to paragraphs “1” through “174” of the Complaint and incorporates the same as if more fully set forth herein.

176. With respect to the allegations contained in paragraph “176” of the Complaint, defendant asserts that they call for a legal conclusion for which no answer is required and otherwise lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

177. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “177” of the Complaint and, therefore, neither admits nor denies those allegations.

178. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “178” of the Complaint and, therefore, neither admits nor denies those allegations.

179. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “179” of the Complaint and, therefore, neither admits nor denies those allegations.

180. With respect to the allegations contained in paragraph “180” of the Complaint, defendant refers to and realleges its responses to paragraphs “1” through “179” of the Complaint and incorporates the same as if more fully set forth herein.

181. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “181” of the Complaint and, therefore, neither admits nor denies those allegations.

182. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “182” of the Complaint and, therefore, neither admits nor denies those allegations.

183. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “183” of the Complaint and, therefore, neither admits nor denies those allegations.

184. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “184” of the Complaint and, therefore, neither admits nor denies those allegations.

185. With respect to the allegations contained in paragraph “185” of the Complaint, defendant refers to and realleges its responses to paragraphs “1” through “184” of the Complaint and incorporates the same as if more fully set forth herein.

186. With respect to the allegations contained in paragraph “186” of the Complaint, defendant asserts that they call for a legal conclusion for which no answer is required and otherwise lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph of the Complaint and, therefore, neither admits nor denies those allegations.

187. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “187” of the Complaint and, therefore, neither admits nor denies those allegations.

188. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “188” of the Complaint and, therefore, neither admits nor denies those allegations.

189. Defendant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “189” of the Complaint and, therefore, neither admits nor denies those allegations.

190. Defendant denies each and every remaining allegation of the Complaint not heretofore specifically admitted, denied, or otherwise controverted, including but not limited to the provisions contained in the WHEREFORE paragraph following the Prayer for Relief.

#### **FIRST AFFIRMATIVE DEFENSE**

191. The Complaint fails to state a cause of action upon which relief can be granted against the answering defendant.

#### **SECOND AFFIRMATIVE DEFENSE**

192. Upon information and belief, plaintiff’s claims against the answering defendant are barred, in whole or in part, because she failed to mitigate damages.

#### **THIRD AFFIRMATIVE DEFENSE**

193. Plaintiff’s claims against the answering defendant are barred to the extent that she failed to meet the applicable statutes of limitations.

#### **FOURTH AFFIRMATIVE DEFENSE**

194. Upon information and belief, plaintiff’s claims against the answering defendant are barred under the doctrines of waiver, estoppel, and unclean hands.

#### **FIFTH AFFIRMATIVE DEFENSE**

195. The challenged employment actions were taken for lawful, non-discriminatory and non-retaliatory reasons, consistent with business necessity, and were unrelated to plaintiff’s sex, alleged protected activity, or any other protected characteristic or activity.

## **SIXTH AFFIRMATIVE DEFENSE**

196. Plaintiff's claims against the answering defendant for punitive and exemplary damages are barred because defendant engaged in no actual conduct or omissions that rise to the level necessary to sustain such an award.

## **SEVENTH AFFIRMATIVE DEFENSE**

197. In the event that the Complaint asserts claims for retaliation against the answering defendant, those claims must be dismissed to the extent that the alleged activity taken by plaintiff did not constitute "protected activity".

## **EIGHTH AFFIRMATIVE DEFENSE**

198. Plaintiff's claims against the answering defendant must be dismissed to the extent she suffered no adverse employment action.

## **NINTH AFFIRMATIVE DEFENSE**

199. Even if impermissible considerations were a factor in any challenged employment actions, which the answering defendant denies, the same actions would have been taken based on lawful reasons.

## **TENTH AFFIRMATIVE DEFENSE**

200. Plaintiff's claims against the answering defendant are barred because the answering defendant did not approve, encourage, or condone any alleged discriminatory, retaliatory, or unlawful conduct as alleged in the Complaint.

## **ELEVENTH AFFIRMATIVE DEFENSE**

201. At all times, the answering defendant exercised reasonable care to prevent and promptly correct any unlawful, discriminatory, and/or retaliatory behavior or conduct. Plaintiff

unreasonably failed to take advantage of the available preventative or corrective opportunities. For this reason, her claims are barred.

#### **TWELFTH AFFIRMATIVE DEFENSE**

202. Plaintiff's claims against the answering defendant under the New York State Human Rights Law are barred to the extent she failed to comply with any applicable Notice of Claim requirements.

#### **THIRTEENTH AFFIRMATIVE DEFENSE**

203. Plaintiff's claims against the answering defendant are barred, in whole or in part, under the Eleventh Amendment to the United States Constitution.

#### **FOURTEENTH AFFIRMATIVE DEFENSE**

204. Plaintiff's claims against the answering defendant must be dismissed to the extent she failed to exhaust her administrative remedies.

#### **FIFTEENTH AFFIRMATIVE DEFENSE**

205. Plaintiff's claims against the answering defendant must be dismissed because the answering defendant's policies and practices were applied consistently to all employees regardless of gender, alleged participation in protected activity, or any other categorical feature or activity protected by law.

#### **SIXTEENTH AFFIRMATIVE DEFENSE**

206. Any hostile environment claim raised by plaintiff is barred because the behavior alleged by plaintiff does not rise to the requisite level of severity required to give rise to a hostile work environment as a matter of law.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

207. Plaintiff's claims are barred to the extent that she seeks any measure of recovery in excess of those damages allowed by those statutes pursuant to which her action is purportedly brought.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

208. Plaintiff's claims against the answering defendant are barred to the extent that she failed to exhaust any required contractual remedies including available remedies under any applicable collective bargaining agreement.

**NINETEENTH AFFIRMATIVE DEFENSE**

209. Any claim for punitive damages against the answering defendant is barred because such damages are not recoverable against a state agency as a matter of law.

**TWENTIETH AFFIRMATIVE DEFENSE**

210. Plaintiff's claims against the answering defendant are barred because defendant is entitled to state common law immunity.

**TWENTY-FIRST AFFIRMATIVE DEFENSE**

211. Upon information and belief, plaintiff's claims against the answering defendant are barred, in whole or in part, by the New York State Workers' Compensation Law.

WHEREFORE, for the foregoing reasons, defendant respectfully demands a judgment dismissing the Complaint as against the New York State Police in its entirety on the merits, together with costs, disbursements, and reasonable attorney's fees incurred in defense of this action, or if plaintiff should recover against defendant, that recovery be reduced by such amount determined to result from plaintiff's failure to mitigate these damages, and that defendant has such other and further relief as this Court deems just and proper.

Dated: May 6, 2022  
Pittsford, New York

**HARRIS BEACH PLLC**

By: s/ Joshua D. Steele  
Daniel J. Moore  
Joshua D. Steele  
*Attorneys for Defendant New York  
State Police*  
99 Garnsey Road  
Pittsford, New York 14534  
Telephone: (585) 419-8800  
Email: [jsteele@harrisbeach.com](mailto:jsteele@harrisbeach.com)

TO: Valdi Licul, Esq.  
John S. Crain, Esq.  
WIGDOR LLP  
*Attorneys for Plaintiff*  
85 Fifth Avenue  
New York, NY 10003  
Telephone: (212) 257-6800  
[vlicul@wigdorlaw.com](mailto:vlicul@wigdorlaw.com)